

Alexandra K. Piazza (SBA 341678)
Sophia Rios (SBA 305801)
BERGER MONTAGUE PC
401 B Street, Suite 2000
San Diego, CA 92101
Tel: (619) 489-0300
apiazza@bm.net
srios@bm.net

*Attorneys for Plaintiff and the
Proposed Collective and Class*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

DWAYNE AUSTIN, individually and on behalf of all persons similarly situated,	:	Civil Action No.: 2:21-cv-02100-KJM-DB
	:	
Plaintiff,	:	CLASS AND COLLECTIVE ACTION
	:	
v.	:	JURY TRIAL DEMANDED
	:	
FINISHLINE EXPRESS LLC and DHL	:	STIPULATION TO FURTHER EXTEND
EXPRESS (USA) INC. d.b.a. DHL	:	TOLLING AND DEADLINE TO
EXPRESS,	:	RESPOND TO PLAINTIFF'S
	:	COMPLAINT AND RESET STATUS
Defendants.	:	CONFERENCE; [PROPOSED] ORDER
	:	

[Additional Counsel]

Ace T. Tate (SBN 262015)
Amanda L. Iler (SBN 300268)
MARTENSON, HASBROUCK & SIMON LP
455 Capitol Mall, Suite 400
Sacramento, CA
Phone: (279) 895-6519
atate@martensonlaw.com
ailer@martensonlaw.com

Attorney for Defendant Finishline Express, LLC

STIPULATION TO FURTHER EXTEND TOLLING AND DEADLINE TO RESPOND TO PLAINTIFF'S
COMPLAINT AND RESET STATUS CONFERENCE; ORDER

1 Linda Cooper Schoonmaker (*pro hac vice*)
2 SEYFARTH SHAW LLP
3 700 Milam Street, Suite 1400
4 Houston, TX 77002
5 Telephone: 713-860-0083
6 Fax: 713-821-0656
7 lschoonmaker@seyfarth.com

8 Philip J. Ebsworth (SBN 311206)
9 SEYFARTH SHAW LLP
10 400 Capitol Mall, Suite 2350
11 Sacramento, California 95814
12 Telephone: (916) 498-7012
13 Facsimile: (916) 558-4839
14 pebsworth@seyfarth.com

15 *Attorneys for Defendant DHL Express (USA) Inc.*

**STIPULATION TO FURTHER EXTEND TOLLING AND DEADLINE TO RESPOND
TO PLAINTIFF'S COMPLAINT AND RESET STATUS CONFERENCE**

Plaintiff Dwayne Austin ("Plaintiff") and Defendants Finishline Express ("Finishline") and DHL Express (USA) Inc. ("DHL") (collectively, the "Parties"), through their undersigned counsel, hereby report to the Court as follows:

1. On October 25, 2022, the Court signed an order on the Parties' extending the tolling of the statute of limitations on potential wage claims for the proposed Collective and Class Action members as well as Defendants' deadline to respond to Plaintiff's complaint to December 16, 2022.

2. On October 26, 2022, the Court continued the Parties' status conference to January 19, 2023 and required the Parties to file a joint status report fourteen days prior.

3. Since October 25, 2022, the Parties have made progress towards resolution of this action on an individual basis.

4. The Parties still believe at this time their resources are better spent on attempting to reach an individual resolution in lieu of responsive pleading practice while at the same time conserving scarce judicial resources.

5. The Parties agree to extend the tolling of the statute of limitations on potential wage claims for the proposed Collective and Class Action members to January 17, 2023.

6. The Parties further agree to extend Defendants' deadline to respond to Plaintiff's complaint to January 17, 2023.

7. The Parties also agree that due to the proposed extension of these deadlines to allow for further individual settlement discussions, the Court should also vacate the status conference currently set for January 19, 2023 to later date that is convenient for it.

Pursuant to Local Rule 131(e) filing counsel represents they have obtained the approval of the undersigned prior to submission.

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Dated: December 9, 2022

Respectfully submitted,

/s/ Alexandra K. Piazza (as authorized on
December 9, 2022)
Alexandra K. Piazza
Sophia Rios
BERGER MONTAGUE PC
401 B Street, Suite 2000
San Diego, CA 92101
Tel: (619) 489-0300
apiazza@bm.net
srios@bm.net

/s/ Ace T. Tate
Ace T. Tate
Amanda L. Iler
MARTENSON, HASBROUCK
& SIMON LP
455 Capitol Mall, Suite 400
Sacramento, CA
Phone: (279) 895-6519
atate@martensonlaw.com
ailer@martensonlaw.com

*Attorneys for Plaintiff and
the Proposed Classes*

*Attorneys for Defendant Finishline Express,
LLC*

/s/ Linda C. Schoonmaker (as authorized on
December 9, 2022)
Linda Cooper Schoonmaker
SEYFARTH SHAW LLP
700 Milam Street, Suite 1400
Houston, TX 77002
Telephone: 713-860-0083
Fax: 713-821-0656
lschoonmaker@seyfarth.com

/s/ Philip J. Ebsworth (as authorized on
December 9, 2022)
Philip J. Ebsworth
SEYFARTH SHAW LLP
400 Capitol Mall, Suite 2350
Sacramento, California 95814
Telephone: (916) 498-7012
Facsimile: (916) 558-4839
pebsworth@seyfarth.com

*Attorneys for Defendant DHL Express (USA)
Inc.*

ORDER

The court has reviewed the Parties' stipulation, ECF No. 20. Good cause appearing, the court orders:

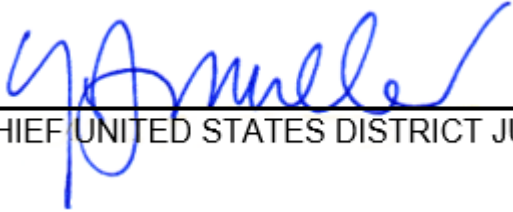
1. The statute of limitations on potential wage claims shall be tolled for the Parties and Class Members to January 17, 2023.

2. The deadline for Defendants' to respond to Plaintiff's complaint is January 17, 2023.

3. The scheduling conference set for January 19, 2023 is vacated and reset for March 23, 2023 at 2:30 p.m., with the filing of a joint status report due 14 days prior.

IT IS SO ORDERED.

Dated: December 22, 2022


CHIEF UNITED STATES DISTRICT JUDGE